

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
ROBERT J. ROSE
SHELDON & MAK PC
225 SOUTH LAKE AVENUE, 9TH FLOOR
PASADENA, CA 91101-3005

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

Response due ^(PCT Rule 44.1) 8 OCT. 2004
Date of mailing 10 AUG 2004
(day/month/year)

Applicant's or agent's file reference
14437-1PCT

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US04/08473

International filing date
(day/month/year) 19 March 2004 (19.03.2004)

Applicant
NIK MULTIMEDIA, INC.

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

 When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

 Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

 For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2,** the applicant is notified that:
 - ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**
 Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

 Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

 In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.
 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

John B Strege

Telephone No. (703) 305-3800

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 14437-1PCT	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US04/08473	International filing date (<i>day/month/year</i>) 19 March 2004 (19.03.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 19 March 2003 (19.03.2003)
Applicant NIK MULTIMEDIA, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐

contained in the international application in written form.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority in written form.

☐

furnished subsequently to this Authority in computer readable form.

☐

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2.

☐

Certain claims were found unsearchable (See Box I).

3.

☐

Unity of invention is lacking (See Box II).

4.

With regard to the **title**,

☒

the text is approved as submitted by the applicant.

☐

the text has been established by this Authority to read as follows:

5.

With regard to the **abstract**,

☐

the text is approved as submitted by the applicant.

☒

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6.

The figure of the **drawings** to be published with the abstract is Figure No. 7

☐

as suggested by the applicant.

☐

because the applicant failed to suggest a figure.

☒

because this figure better characterizes the invention.

☐

None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/08473

Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

A method for image processing of a digital image is described comprising applying an image processing filter (17) as a function of the correspondence between each pixel in the image and a first target image characteristic (12) and a second target image characteristic (13). In a further embodiment, a method is described comprising applying an image processing filter as a function of the correspondence between each pixel, the received target image characteristic, and the input received from a user pointing device. A system and application user interface is also described.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/08473

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06K 9/40

US CL : 382/261

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 382/261, 254,260,263,264,274,275,167; 348/606,607610

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
IEEE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 6,204,858 B1 (Gupta) 20 March 2001, col. 1, lines 31-67, col. 3 lines 2-33.	1-6, 8-10,13-14,17-18,20,22-25,27-29 ----- 7,11-12,15-16,19,21,26
Y	US 5,506,946 (Bar et al.) 9 April 1996 (09.04.1996), column 2, lines 32-67, column 3 lines 1-35.	7,11-12,15-16,19,21,26
A	US 6,347,161 B1 (Mancuso) 12 February 2002 (12.02.2002), whole document	1-21

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

19 July 2004 (19.07.2004)

Date of mailing of the international search report

10 AUG 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Authorized officer

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ROBERT J. ROSE
SHELDON & MAK PC
225 SOUTH LAKE AVENUE, 9TH FLOOR
PASADENA, CA 91101-3005

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 14437-1PCT		Date of mailing (day/month/year) 10 AUG 2004 FOR FURTHER ACTION See paragraph 2 below	
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
PCT/US04/08473	19 March 2004 (19.03.2004)	19 March 2003 (19.03.2003)	
International Patent Classification (IPC) or both national classification and IPC			
IPC(7): G06K 9/40 and US Cl.: 382/261			
Applicant			
NIK MULTIMEDIA, INC.			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

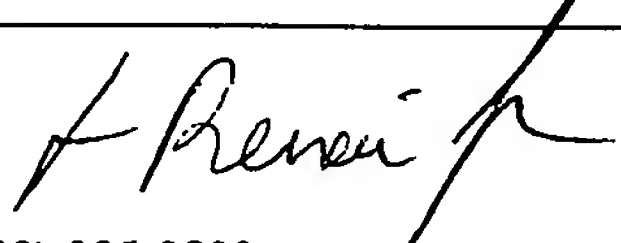
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer John B Strege  Telephone No. (703) 305-3800
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/08473

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/08473

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-6, 8-10, 13-14, 17-18, 20, 22-25, 27-29</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>7,11-12,15-16,19,21,26</u>	NO
Industrial applicability (IA)	Claims <u>1-29</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-21 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Claims 1-6, 8-10, 13-14, 17-18, 20, 22-25, and 27-29 lack novelty under PCT Article 33(2) as being anticipated by Gupta, USPN 6,204,858.

Gupta discloses a computer-implemented method to adjust color data of pixels of a digital image by identifying pixels of a digital image having original color data corresponding to predetermined color and shape characteristics, and adjusting the original color data of the identified pixels to achieve a desired result (col. 1 lines 30-36). This is done for the correction of red eye in photographs. Digital images are filtered based on predetermined color characteristics and shape characteristics (col. 1 lines 42-55). Here the color characteristics can be read as a first target characteristic, and the shape characteristics as a second target characteristic. A user interface is provided such as PhotoDeluxe in which the user selects an area in the digital image for color adjustment (col. 3 lines 18-26). One type of possible user interface disclosed allows the user to define the vertices or edges of a rectangle (col. 3 lines 16-17). To identify the red eye effect, the color red may be enhanced in the image to more easily identify red circular areas (col. 3 lines 19-26), thus providing an adjustment parameter. This takes into account the intensity of the pixels (col. 3 lines 41-52) and allows for modification. An interactive test may be optionally provided to allow the user to verify whether the identified red eye area candidate actually corresponds to a red eye area (col. 4 lines 62-65), thus allowing the user to determine pixel characteristics. As seen in figure 3, Gupta discloses a CPU 310, in correspondence with RAM 320, and a mouse 370. Gupta further states that a user interface may be provided to allow a user to set a default color (col. 5 lines 46-48).

Claims 7, 11-12, 15-16, 19, 21 and 26 lack an inventive step under PCT Article 33(3) as being obvious over Gupta USPN 6,204,858 in view of Bar et al. USPN 5,506,946 (hereinafter "Bar"). As discussed, Gupta discloses the limitations of claim 6. Gupta does not explicitly disclose a slider or the details of the user interface beyond that it could be PhotoDeluxe.

Bar discloses selective color correction using a GUI as seen in figure 7, which has sliders to adjust the saturation and lightness.

Gupta and Bar are analogous art because they are from the same field of endeavor of color adjustment.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine Gupta and Bar to obtain a graphic user interface using sliders. The motivation for doing so would be to allow the user to adjust parameters in an incremental manner such as with a slider. Thus it would have been obvious to one of ordinary skill in the art to combine Gupta and Bar to obtain the invention as specified in claim 7.

Claim 16 is similar to claim 7 and thus the same argument applies.

Regarding claim 26, Bar discloses the target color in figure 7.

Regarding claims 12, 19, and 21 it is well known in the art to provide camera-specific default settings and would be obvious to do so.

Regarding claims 11, and 15 Bar discloses selecting a color with a mouse and determining the colorimetric values for the color (col. 2 lines 32-45).

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.